

REMARKS

This Amendment is in response to the non-final Office action (Paper No. 072005) mailed on 27 July 2005. Claims 1-10 have been cancelled without prejudice or disclaimer of their subject matter, and claims 11-20 are newly added. Claims 11-20 are pending in this application.

Claims 1-3, 5, and 7-9 have been rejected under 35 USC 102 as anticipated by Nishimaki et al. for the reasons stated on page 2 of the Office Action. In addition, claims 4, 6, and 10 have been rejected under 35 USC 103 as obvious over Nishimaki et al. for the reasons stated on pages 3-4 of the Office Action.

By this Amendment, claims 1-10 have been canceled without prejudice or disclaimer of their subject matter and new claims 11-20 substituted therefor. It is submitted that claims 11-20 are patentable over Nishimaki et al. for the following reasons:

Both claims 11 and 17 now clearly recite a transparent electrode layer, a luminescent layer, and insulation layer, a rear electrode layer, a first protection layer, and electrode layer for noise reduction, and a second protection layer arranged on an insulated substrate. The first protection layer is recited as being adapted to cover the luminescent layer and the insulation layer and the rear electrode layer and the second protection layer is recited as being adapted to cover the electrode layer for noise reduction.

On the other hand, as illustrated in Figure 1 of Nishimaki et al., a transparent electrode 3a, a light emitting layer 4, a dielectric layer 5, a back electrode 6a, and insulating layer 7, and a conductive film 8a are arranged on a transparent substrate 2a. A moisture proof sheet 2b then covers the light emitting layer 4, the dielectric layer 5, the back electrode 6a, the insulating layer 7, and the conductive film 8a.

Thus, while there are similarities between the present invention and Figure 1 of Nishimaki et al., there are clearly patentable differences in that the moisture proof sheet 2b of Nishimaki et al. does not correspond to the second protection layer of the present invention. Rather, Figure 1 of Nishimaki et al. is more like the conventional device of Figure 1 of the present application with the dielectric rear tape 17 covering the luminescent layer 12, insulation layer 13, rear electrode layer 14, and ground electrode 16.

With regard to the remaining claims, it is submitted that they are patentable over Nishimaki et al. by virtue of their dependency on claims 11 or 17. Furthermore, while Nishimaki et al. indicates that the conductive film is aluminum but "could be" made of other materials, merely because one material could be substituted for another material does not make it obvious to do so. Similarly, while the moisture proof sheet of Nishimaki et al. "could be" made of polyester, this does not make it obvious to do so.

In view of the above, it is submitted that claims 11-20 are patentable over Nishimaki et al.

I should therefore now be in a condition suitable for allowance.

By this amendment, the Abstract and Specification were revised to improve their clarity. No new matter was added.

No other issues remaining, reconsideration and favorable action upon all of the claims now present in the application is respectfully requested.

In view of the foregoing amendments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. If there are any questions, the examiner is asked to contact the applicant's attorney.

No fee is incurred by this Amendment. Should there be a deficiency in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,



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